

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-5 are currently pending in the application. Claim 1 is independent. The remaining claims depend directly from claim 1.

Rejection(s) under 35 U.S.C. § 102

Claims 1 and 5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,249,320 (hereafter "Schneidewend"). Claim 1 has been amended by this reply to recite the limitation, "wherein the major channel and the plural receivable subchannels are simultaneously displayed on an image receiving part on which a user is simultaneously viewing content of the subchannel in selection." Support for this limitation may be found, for example, in Figures 2 and 3 of the instant specification. The Applicant respectfully asserts that no new matter has been added by this amendment. To the extent that the rejection still applies to the amended and original claims, the rejection is respectfully traversed.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. The Applicant respectfully asserts that Schneidewend does not teach or suggest at least the following limitation: "wherein the major channel and the plural receivable subchannels are simultaneously displayed on an image receiving part on which a user is simultaneously viewing content of the subchannel in selection." Rather, Schneidewend discloses a system which displays the major channel and the associated sub-channels using an electronic programming guide (EPG). The EPG as discussed in Schneidewend and shown in Figures 12 and 13 is displayed using the "entire" screen. There is no teaching or suggestion of any functionality that would enable a user of the system disclosed in Schneidewend to be able to simultaneously view the available major channel and associated sub-channels while simultaneous watching the current selected sub-channel (*See, e.g.*, Figures 2 and 3 of the instant specification).

In view of the above, Schneidewend may not be used to support a rejection of independent claim 1 or dependent claim 5. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection(s) under 35 U.S.C. § 103

Claims 2-4 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Schneidewend. As discussed above, independent claim 1, from which claims 2-4 depend, has been amended to recite the limitation “wherein the major channel and the plural receivable subchannels are simultaneously displayed on an image receiving part on which a user is simultaneously viewing content of the subchannel in selection.” Thus, to the extent that the rejection still applies to dependent claims 2-4, the rejection is respectfully traversed.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. See MPEP section 706.02(j).

The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventor has done. “To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” See MPEP section 706.02(j) citing *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

In view of the above case law and the discussion with respect to independent claim 1, Schneidewend may not be used to support the rejection with respect to dependent claims 2-4 as Schneidewend does not teach all the limitations of independent claim 1, from which claims 2-4 depend. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/022001).

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Respectfully submitted,

By 

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